

Notice of Determination**- 1 -****To:**

Office of Planning and Research
 For U.S. Mail:
 P.O. Box 3044
 Sacramento, CA 95812-3044

Street Address:

1400 Tenth Street
 Sacramento, CA 95814

From:

California Department of Fish and Wildlife (CDFW)
 Bay Delta Region
 2825 Cordelia Road, Suite 100, Fairfield, CA 94534
 Contact: Melanie Day
 Phone: (707) 210-4415

Lead Agency
 Sonoma-Marin Area Rail Transit District
 5401 Old Redwood Highway, Suite 200, Petaluma, CA 94954
 Contact: Bill Gamlen
 Phone: (707) 794-3330

SUBJECT: Filing of Notice of Determination pursuant to Public Resources Code § 21108**State Clearinghouse Number:** 2002112033

Project Title: Smart Various Non-Motorized Pathways Segment 3 (California Endangered Species Act (CESA) Incidental Take Permit No. 2081-2021-089-03 (ITP))

Project Location: The Sonoma-Marin Area Rail Transit (SMART) Various Non-Motorized Pathways Segment 3 (Project) is located between the Cities of Rohnert Park and Santa Rosa, Sonoma County. The Project footprint is generally linear and narrow in shape and follows the existing SMART railway alignment for 2.8 miles in a north-south direction from milepost 48.5 to milepost 51.3. The Project's northern terminus is approximately Latitude 38.401690 and Longitude -122.720974, and the southern terminus is approximately Latitude 38.363425 and Longitude -122.711148. The Project is bounded to the north by Bellevue Avenue in the City of Santa Rosa and to the south by Golf Course Drive in the City of Rohnert Park, and to the east and west by commercial and residential development and undeveloped land. The Project footprint is approximately 5.46 acres and is located on Assessor's Parcel Numbers 043-133-016, 134-072-052, 134-102-085, 134-171-060, 045-013-038, 045-033-046, 160-010-028, and 160-010-029 within Township 06N, Range 08W, Sections 2 and 11 of the Santa Rosa U.S. Geological Survey 7.5-minute quadrangle map and Township 06N, Range 08W, Section 14 of the Cotati U.S. Geological Survey 7.5-minute quadrangle map, Mt. Diablo meridian.

Project Description: The Project includes the development of 5.46 acres, of which 3.87 acres are undeveloped, into a paved pathway which will support pedestrian and non-motorized bicycle traffic. Project activities include grubbing and grading of the entire Project site; installation of a prefabricated pedestrian bridge, retaining walls, and chain link fencing; extending five culverts, installing traffic signals at roadway crossings; paving; and other activities within the 5.46-acre Project footprint.

The Project will result in permanent impacts to 3.87 acres of California tiger salamander (*Ambystoma californiense*) upland habitat. The project is expected to result in incidental take of California tiger salamander, which is designated as a threatened species under CESA. The ITP referenced above as issued by CDFW authorizes incidental take of species listed under CESA that may occur as a result of Project implementation.

This is to advise that CDFW, acting as [the lead agency / a responsible agency] approved the above-described project on 8/26/2022 and made the following determinations regarding the above-described project:

1. The project [will / will not] have a significant effect on the environment (This determination is limited to effects within CDFW's permitting jurisdiction as a responsible agency).
2. [An environmental impact report / A negative declaration] was prepared by the lead agency for the original project.
3. Additional mitigation measures [were / were not] made a condition of CDFW's approval of the project.
4. A mitigation reporting or monitoring plan [was / was not] adopted by CDFW for this project.
5. A Statement of Overriding Considerations [was / was not] adopted by CDFW for this project.
6. Findings [were / were not] made by CDFW pursuant to Public Resources Code § 21081(a). CDFW did, however, adopt findings to document its compliance with CEQA.
7. Compliance with the environmental filing fee requirement at Fish and Game Code § 711.4 (check one):
 - Payment is submitted with this notice.
 - A copy of a receipt showing prior payment was submitted to CDFW.

Notice of Determination

Responsible Agency statement: The Negative Declaration prepared by the lead agency for the Project is available to the general public at the office location listed above for the lead agency. CDFW's administrative record of proceedings related to the incidental take permit is available to the public for review at CDFW's regional office.

DocuSigned by:

Erin Chappell

Signature

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Date: 8/26/2022

Erin Chappell, *Regional Manager*

Date Received for filing at OPR: _____